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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23413	7590	04/16/2008	EXAMINER	
CANTOR COLBURN, LLP			UBER, NATHAN C	
20 Church Street			ART UNIT	PAPER NUMBER
22nd Floor			4143	
Hartford, CT 06103				

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/536,787	PARK ET AL.	
	Examiner	Art Unit	
	NATHAN C. UBER	4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 and 23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 and 23 is/are rejected.
 7) Claim(s) 10 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 27 May 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Status of Claims

1. This action is in reply to the national stage entry application filed on 27 May 2005.
2. Claims 1-12 and 23 are currently pending and have been examined.

Specification

3. The abstract of the disclosure is objected to because it was not submitted on a separate sheet. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 10 is objected to because of the following informality: the claim appears to contain a typo, the first limitation reads: *receiving guide information about a free-call service from said tree-call certificate management server...* Examiner is interpreting *tree-call* to mean *free-call*. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.

Art Unit: 4143

3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
8. The invention claims a system and properly discloses necessary structure; however the claims primarily comprise method steps. Examiner attributed patentable weight to the claims as though the invention were properly claimed as a method. If applicant wishes all limitations to be given weight in the future the examiner recommends properly claiming the limitations as steps of a method.
9. Claims 1-12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admissions in the specification (AOA) in view of Ruckart et al. (U.S. 6,950,506) in view of Holda-Fleck (U.S. 5,729,693) and in view of **Official Notice**.

Claim 1:

AOA, as shown, discloses the following limitations:

- *a free-call certificate management database for (see at least page 13, lines 7-8, databases are inherently used to store data on servers),*
- *storing information regarding sales of free-call certificates sold to one or more affiliated stores (see at least page 13, lines 7-8),*
- *said free-call certificate sale information containing sub-total free-call times allocated respectively to the affiliated stores within the range of a total free-call time allocated from at least one communication company (see at least page 13, lines 8-12),*

- *an authentication processor for (see at least page 15, line 13),*
- *searching the sale information stored in said free-call certificate management database for sale information corresponding to said affiliated store identification information to determine whether the corresponding sale information is present in the stored sale information (see at least page 15, lines 13-19),*
- *performing an authentication process based on the determination result (see at least page 15, lines 19-20),*

AOA does not disclose the following limitations, however, Ruckart, as shown, does:

- *a free-call request information receiver (see at least column 6, line 53-55, central processor may communicate, transmit/receive, from phone network controllers and other computers see also lines 1-11 and 63-67),*
- *a free-call request information transmitter (see at least column 6, line 53-55, central processor may communicate, transmit/receive, from phone network controllers and other computers see also lines 1-11 and 63-67),*
- *receiving free-call request information containing a telephone number of a customer acquiring a specific one of the free-call certificates and affiliated store identification information from a specific one of one or more affiliated store terminals held respectively by said affiliated stores (see at least column 7, lines 3-7),*
- *transmitting said free-call request information authenticated by said authentication processor to a communication company server managed by said communication company so that the communication company server can deduct the amount of money corresponding to an individual free-call time allocated to said specific free-call certificate acquired by said customer from communication fees to be charged to said customer's telephone number*

contained in said free-call request information (see at least column 5, lines 20-22).

The system of Ruckart discloses a prepaid credit system where the customer purchases the calling credits from a store, and those credits are then applied to the customer account. It would have been obvious to one having ordinary skill in the art at the time of the invention to alter the Ruckart method by providing the prepaid calling credits to the customer free of charge as an award as taught by Holda-Fleck's rebate method and system where customers retrieve product rebates as telephone account credits and the telephone company bills the issuers of the rebates (manufacturers or stores) for the credit amounts periodically (see at least column 5, lines 19-31).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the systems and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 2:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *a free-call time allocation information receiver see at least page 13, lines 5-6),*
- *receiving, from said communication company server, free-call time allocation information corresponding to said total free-call time contained in said free-call certificate purchase request information (see at least page 13, lines 5-6),*

AOA does not disclose the following limitations, however, Ruckart, as shown, does:

- *a free-call certificate purchase request information transmitter for (see at least column 5, line 25-27),*
- *transmitting free-call certificate purchase request information containing said total free-call time to said communication company server (see at least column 5, lines 25-27).*

The system of Ruckart discloses a prepaid credit system where the customer purchases the calling credits from a store, and those credits are then applied to the customer account. It would have been obvious to one having ordinary skill in the art at the time of the invention to alter the Ruckart method by providing the prepaid calling credits to the customer free of charge as an award as taught by Holda-Fleck's rebate method and system where customers retrieve product rebates as telephone account credits and the telephone company bills the issuers of the rebates (manufacturers or stores) for the credit amounts periodically (see at least column 5, lines 19-31).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the systems and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 3:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *a free-call certificate purchase request information receiver for (see at least column 13, line 5-6),*
- *receiving free-call certificate purchase request information containing each of said sub-total free-call times from each of said affiliated store terminals (see*

at least column 13, line 9-10, in order to store this information, the system must somehow receive it),

AOA does not disclose the following limitations, however, Ruckart, as shown, does:

- *a free-call time allocation information transmitter for (see at least column 5, line 25-27),*
- *transmitting free-call time allocation information corresponding respectively to said sub-total free-call times contained in said free-call certificate purchase request information received by said free-call certificate purchase request information receiver respectively to said affiliated store terminals (see at least column 5, line 25-27),*

The system of Ruckart discloses a prepaid credit system where the customer purchases the calling credits from a store, and those credits are then applied to the customer account. It would have been obvious to one having ordinary skill in the art at the time of the invention to alter the Ruckart method by providing the prepaid calling credits to the customer free of charge as an award as taught by Holda-Fleck's rebate method and system where customers retrieve product rebates as telephone account credits and the telephone company bills the issuers of the rebates (manufacturers or stores) for the credit amounts periodically (see at least column 5, lines 19-31).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the systems and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 4:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *a settlement requestor for (see at least page 25, line 10-14, an online account transfer or credit card settlement are well known in the art),*
- *transmitting settlement request information to at least one financial company server to request it to settle said affiliated stores' accounts for prices for purchases of said free-call certificates, respectively (see at least page 25, line 10-14, an online account transfer or credit card settlement are well known in the art),*
- *receiving results of settlement from said financial company server (see at least page 25, line 10-14, an online account transfer or credit card settlement are well known in the art).*

Claim 5:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *said authentication processor searches the sale information stored in said free-call certificate management database for the sale information corresponding to said affiliated store identification information to determine whether the corresponding sale information is present in the stored sale information, and authenticates a specific one of said affiliated stores holding said specific affiliated store terminal as a result of the determination (see at least page 15, lines 12-15 and 17-20, see also page 16 lines 1-4),*

AOA does not disclose the following limitations, however Examiner takes **Official Notice** that processing refunds for purchases in the manner detailed in the limitations below is old and well known in the art.

- *a refund request information receiver for*

- *receiving refund request information containing a returned amount of a corresponding one of said sub-total free-call times and said affiliated store identification information from said specific affiliated store terminal; and*
- *a refund processor for*
- *requesting said financial company server through said settlement requestor to pay said specific affiliated store a refund corresponding to the returned free-call time amount contained in said refund request information received by said refund request information receiver, and*
- *updating said free-call certificate management database on the basis of said refund request information*

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to try to integrate a refund protocol with the techniques known in the art for authentication since there are a finite number of identified, predictable potential solutions (i.e. types of refund protocols) to the recognized need (refunding a purchase) and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

Claim 6:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *said communication company server adapted for (see at least page 13, line 5-6, receiving from the communication company),*
- *allocating said total free-call time to said free-call certificate management server and (see at least page 13, line 5-6, receiving from the communication company),*

AOA does not specifically mention the functions of the communication company's server, however AOA admits receiving the data from the company, it is therefore inherent that the company have the capacity to send the data in the first place.

AOA does not disclose the following limitation, however, Ruckart, as shown, does:

- *in response to said free-call request information from said free-call certificate management server, deducting the amount of money corresponding to said individual free-call time allocated to said specific free-call certificate acquired by said customer from the communication fees to be charged to said customer's telephone number contained in said free-call request information* (see at least Figure 3, reference 77),

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 7:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Ruckart, as shown, discloses the following limitations:

- *said one or more affiliated store terminals, each adapted for* (see at least column 7, lines 1-3),
- *transmitting free-call request information containing a customer's telephone number and affiliated store identification information for authentication to said free-call certificate management server* (see at least column 7, line 3-7),

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same

function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 8:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Ruckart, as shown, discloses the following limitations:

- *said affiliated store terminals is further adapted to* (see at least column 7, lines 1-3),
- *transmit said free-call certificate purchase request information containing a corresponding one of said sub-total free-call times to said free-call certificate management server and* (see at least column 7, line 3-7),
- *receive said free-call time allocation information corresponding to the corresponding sub-total free-call time contained in said free-call certificate purchase request information from the free-call certificate management server* (see at least column 7, line 3-7),

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 23:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *said at least one financial company server adapted for* (see at least page 25, line 10),

- *processing the settlement associated with said free-call certificate purchase request information from each of said affiliated store terminals (see at least page 25, lines 3-5 and 10-14).*

Claim 9:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *said at least one financial company server adapted for (see at least page 25, line 10),*
- *processing the settlement associated with said free-call certificate purchase request information from each of said affiliated store terminals (see at least page 25, lines 3-5 and 10-14).*

Claim 10:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further Ruckart, as shown, discloses the following limitations:

- *at least one customer terminal for (see at least column 7, line 2, user terminal),*
- *receiving guide information about a free-call service from said tree-call certificate management server and (see at least column 5, line 34-35),*
- *performing a telephone call using a free-call certificate issued to a corresponding customer (see at least figure 4),*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 11:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further Ruckart, as shown, discloses the following limitations:

- *said customer terminal is a wireless communication terminal, said wireless communication terminal being any one of a mobile telephone or personal digital assistant (PDA) (see at least column 6, line 3-6),*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 12:

The combination AOA/Ruckart/Holda-Fleck discloses the limitations as shown in the rejections above. Further AOA, as shown, discloses the following limitations:

- *said free-call certificate management server is adapted to transmit said guide information about said free-call service to said wireless communication terminal in the form of a short message service (SMS) message (see at least column 6, line 3-6),*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and methods of Ruckart and Holda-Fleck with the techniques commonly known in the art (AOA) to enable a system to reward customers via their telephone accounts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one having ordinary skill in the art would have recognized that the results of the combination were predictable.

Art Unit: 4143

Conclusion

10. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A Reagan** can be reached at **571.270.6710**.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
12. Any response to this action should be mailed to:

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13. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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/Nathan C Uber/ Examiner, Art Unit 4143
9 April 2008
/James A. Reagan/
Supervisory Patent Examiner, Art Unit 4143